

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 20 to 27, 29 to 31, 33, 35 and 36, all other claims having been cancelled.

Claim 22 was rejected under 35 USC 112, first paragraph, as not failing to comply with the written description requirement. The Examiner objected to the expression “of about 10 cm thickness” as being unsupported by the application and the term “lycra” as being new matter since the previous response was in French.

Applicants respectfully traverse this ground of rejection since it can be easily seen from the translation submitted herewith that “lycra” is a form of the elasthanne indicated in the patent and therefore, it is not new matter. The phrase “of about 1 cm thickness” is supported by the last two lines of page 2 of the application as filed. Therefore, withdrawal of these grounds of rejection is requested.

The Examiner maintained the rejection of claim 26 under USC 112, first paragraph, as not supporting the term “an adhesive member selected from the group consisting of acrylic copolymer and a copolymer of polyethylene glycol and polypropylene glycol” and therefore, this claim is not supported by the specification.

Applicants respectfully these grounds of rejection since it is deemed that the terminology is supported by line 16 of page 4 of the application where they talk about acrylic copolymers or copolymers of PEG/PPG in variable proportions. PEG and PPG stand for polyethylene glycol and polypropylene glycol and therefore, the present terminology of claim 26 is supported therein.

With respect to the Examiner’s rejection of claim 2 as not containing support for the term “covered with a self-adhesive emulsion of the active ingredients containing latex”, the term “work” and the phrase “allergic polyurethane”, this is not understood since the term “work” and “allergic polyurethane” do not occur in claim 22 and the expression of the self-adhesive emulsion of the active ingredients containing latex” is supported by lines 21 and 22 of page 2. Therefore, withdrawal of this objection is requested.

All of the claims were rejected under 35 USC 103 as being obvious over the Crotty et al patent taken in view of the Binutu et al reference taken in further view of the Kelly et al patent and in certain instances, taken in further view of the Hyldgaard et al

reference or the Nakamura et al reference. The Examiner states that Crotty et al teaches the delivery of skin benefit agents by means of adhesive strips including a flexible substrate sheet onto which a composition containing an adhesive polymer is deposited. Herbal agents are taught as skin agents and the Binutu et al reference is cited as showing extracts of *Kigelia pinnata* as having antibacterial and antifungal activity. The Kelly et al reference is cited to show soya as comprising large quantities of isoflavones. The Examiner deems that it would have been obvious to add the *Kigelia pinnata* extract as taught by Binutu et al to the Crotty et al compositions and deems the invention obvious.

Applicants respectfully traverse these grounds of rejection since it is deemed that one skilled in the art would not combine the references as the Examiner has done with the benefit of Applicants' disclosure. Applicants' invention is not a composition containing at least one active plant extract for any therapeutic purpose but, rather, is directed to a cosmetic composition containing specific amounts of a thickening agent and a composition containing active ingredients applied on a porous dressing on a piece of lady's clothing. The active ingredients are a combination of several compounds including at least one plant extract having an estrogenic activity and an extract of the plant *Kigelia Africana* or *Kigelia pinnata* which have a positive action on the development of the bust and a positive action on the firmness of tissue and this is in no way taught by any of the references cited by the Examiner.

The Crotty et al patent teaches the delivery of skin benefit agents by means of adhesive strips including a flexible substrate sheet onto which a composition containing an adhesive polymer is deposited and herbal extracts are taught as skin agents. The use of licorice red clover flow, sage and soy bean extracts are disclosed therein but there is no mention whatsoever of the presence of the Kigelia extracts and the explicit presence of isoflavones. The Binutu et al reference teaches extracts of Kigelia as having anti-bacterial and anti-fungal activity but does not teach the combination thereof with Applicants' extracts and isoflavones. Kelly et al merely teaches that the Soya comprises large amounts of isoflavones and there is no teaching of the combination of the same with plant extracts or with isoflavones. Therefore, one skilled in the art would in no way be led to Applicants' cosmetic compositions which are applied onto a porous dressing attached to a piece of lady's clothing. It is completely non-relevant to Applicants' invention and withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
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CAM:ds  
Enclosures

## ELASTHANNE

What is elasthanne? It is a generic term created from elastic and polyurethane to designate a elastofiber, fiber containing at least 85% of segmentary polyurethane. It has a capacity of elasticity capable of going from 400 to 700%. The most known of the elasthannes: Lycra, manufactured by DuPont de Nemours since 1958